

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NICOLE MOORE,

Plaintiff,

-against-

PLANNED PARENTHOOD FEDERATION  
OF AMERICA, INC. et al.,

Defendants.

22-cv-8899 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

On April 9, 2024, the Court granted Defendants' motion to preclude Plaintiff's expert. Dkt. 53. The prejudice that Defendants had identified (and that the Court relied on in making its decision) was that the summary-judgment deadline was fast approaching. *Id.* On April 23, 2024, Plaintiff filed a motion for reconsideration. Dkt. 54. And Defendants filed their motion for summary judgment on April 29, 2024. Dkt. 58.

Even without an expert, Defendants' summary-judgment brief did not argue that Plaintiff had insufficient evidence of damages or the other issues on which Plaintiff's expert might have testified. *See* Dkt. 61. As such, the original purported prejudice is no longer apparent. Although Plaintiff violated a number of rules and deadlines in serving this late expert report, preclusion is no longer necessary. The Court will not preclude the report on these procedural grounds. However, the costs of Defendants' deposition of Plaintiff's expert, if Defendants choose to take a deposition, will be borne by Plaintiff. The parties should meet and confer to promptly hold this deposition. Further, Plaintiff's expert's testimony is limited to the report previously served on Defendants, and the Court will provide an exception to its individual practices to permit Defendants to file a motion to exclude this expert as part of their motions in limine. The Clerk of Court is directed to close Dkt. 54.

SO ORDERED.

Dated: May 8, 2024

New York, New York



ARUN SUBRAMANIAN  
United States District Judge